IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4292 of 2006()

CRA.72/2006 of ADDL.SESSIONS COURT (ADHOC), KOTTAYAM
CC.336/2003 of JUDL.MAGISTRATE OF FIRST CLASS-III, KOTTAYAM

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REVN. PETITIONER:

BY ADV. SRI.R.REJI
SMT.C.A.AJITHA SALAM

RESPONDENTS:

BY

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON / / , THE COURT ON 04/12/2006 PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4292 of 2006

Dated this the 4th day of December, 2006

ORDER

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act. The trial court sentenced him to undergo simple imprisonment for a period of two months and directed him to pay compensation of Rs.1,74,000/- under Section 357(3) of the Code of Criminal Procedure and in default to undergo simple imprisonment for a further period of four months. The petitioner challenged the conviction and sentence in appeal. The appellate court allowed the appeal in part and while confirming the conviction, the sentence of imprisonment was reduced to imprisonment till the rising of the court. The direction to pay the compensation was confirmed.

2. The learned counsel for the petitioner submits that the petitioner/accused is running a petty business and that he would not be able to pay the compensation amount immediately. The only submission made by the learned counsel for the

petitioner is that a reasonable time may be granted to the petitioner to pay the compensation amount. Taking into account the facts and circumstances of the case, I am inclined to grant time, to the petitioner to pay the compensation amount.

In the result, this Crl.R.P. is dismissed and the conviction and sentence are confirmed. However, three months' time is granted to the petitioner to pay the compensation amount of Rs.1,74,000/-. The default sentence shall be kept in abeyance for a period of three months.

K.T.SANKARAN,
JUDGE

csl

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